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October 13, 2021

VIA CM/ECF

The Honorable Leonard P. Stark
United States District Court
844 North King Street, Unit 26
Wilmington, DE 19801

Re: *Sunoco Partners Marketing & Terminals L.P. v. Powder Springs Logistics, LLC, et al.*, C.A. No. 17-1390-LPS-CJB

Dear Judge Stark:

We write on behalf of Plaintiff Sunoco Partners Marketing & Terminals L.P. (“Sunoco”) to inform the Court of a potential conflict with the upcoming hearing scheduled to take place in courtroom 6B at 9:00 a.m. on Wednesday, October 20, 2021 (D.I. 683).

John R. Keville and Michelle C. Replogle, both counsel for Sunoco, are currently in trial before Judge Ezra in San Antonio, Texas for the case *M-I LLC v. FPUSA, LLC*, 5:15-CV-00406 (W.D. Texas). Jury selection occurred on Tuesday, October 5, 2021, and the parties estimated the trial to continue for 6-7 days. However, the case has proceeded slower than expected due to a one-day delay for jury selection, several shorter than expected trial days due to the district court’s other commitments, and lengthy cross examinations.

In the event closing arguments occur by this Friday, there would likely be no conflict with the scheduled hearing, assuming the jury returns a verdict by the end of the day on Monday. Sunoco’s counsel would travel on Tuesday to be present for the hearing Wednesday morning in Delaware. However, if the trial runs any longer, there will unfortunately be a conflict.

We informed opposing counsel of this potential conflict. Sunoco proposes moving the hearing to next Friday, October 22, 2021, if that date is available for the Court. In the event next Friday is not available, Sunoco proposes holding the hearing on Wednesday at 9:00 am by Zoom, instead of in-person. This assumes Sunoco’s counsel will receive permission from Judge Ezra for a late start in the trial if it continues that morning.

Defendants’ preference is to go forward with the in-person hearing on Wednesday at 9:00 a.m. If necessary, Defendants ask for an in-person hearing on Friday, October 22, 2021, if that date is available for the Court. If neither of those options are available, then Defendants would, as a last resort, be amenable to a Zoom hearing on Wednesday at 9:00 a.m.

We remain hopeful that the trial will end this week, in which case there will be no conflict, and we will update the Court and opposing counsel on the status of the trial by the end of this week. However, we did not want to have this issue be a surprise to the Court by waiting until we know for certain.

Counsel for Sunoco are available at the convenience of the Court should Your Honor have any questions.

Respectfully submitted,

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (No. 110)